

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

RICHARD E. KAPLAN,

Plaintiff,

V.

FIRST HARTFORD CORPORATION,

Defendant.

Civil Action No. 04-10402-NMG

Civil Action No. 05-10320-NMG

(Consolidated)

PLAINTIFF RICHARD E. KAPLAN'S WAIVER OF TRIAL  
BY JURY AND REQUEST FOR RULE 16 CONFERENCE

The plaintiff Richard E. Kaplan hereby waives trial by jury of these consolidated cases, and requests a conference with the Court on Monday, April 10, 2006, or as soon thereafter as is convenient for the Court, to further consider the scheduling of the trial of these cases.

At the final pretrial conference of these consolidated cases held on April 6, 2006, the Court on its own motion raised the question as to whether any of the plaintiff's claims (the defendant has not asserted any counterclaims) were jury trial claims. A discussion ensued among counsel for both parties and the Court, and the Court directed counsel for both parties to inform the Court by Monday, April 10, 2006, whether the parties would waive trial by jury or, in the alternative, to submit briefs on the issue of the right to a jury trial in these consolidated cases.

The plaintiff Mr. Kaplan hereby waives trial by jury of the claims asserted in these consolidated cases.

The plaintiff requests a conference with the Court on Monday, April 10, 2006, or as soon thereafter as is convenient for the Court, to further discuss the scheduling of the trial of these cases.

Respectfully submitted,

RICHARD E. KAPLAN,  
Plaintiff,

By his attorneys,

/s/ Larry C. Kenna

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Dated: April 7, 2006

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